

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION STAFF REPORT**

November 21, 2013

Agenda Item 3

**SUBJECT:** Miramar Drive Code Amendment - (PA2013-211)  
2022, 2026, 2032, 2034, 2038, and 2042 Miramar Drive  
▪ Code Amendment No. CA2013-006

**APPLICANT:** City of Newport Beach

**PLANNER:** Jaime Murillo, Senior Planner  
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**PROJECT SUMMARY**

A Zoning Code Amendment to change the rear alley setback for six properties from 6 feet to 0 feet, consistent with the standard rear alley setback for other properties in the City when located adjacent to a minimum 20-foot-wide alley.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ approving Code Amendment No. CA2013-006 (Attachment No. PC 1).

**INTRODUCTION**

Project Setting

The subject amendment affects six properties located on the Balboa Peninsula that abut a 30-foot-wide alley. The lots are zoned Single-Unit Residential (R-1), which is intended to provide for detached single-family residential dwelling units. Four of the six lots are interior lots and measure approximately 35 feet wide by 70 feet deep, resulting in a lot area of approximately 2,450 square feet. The remaining two lots are on the corners and measure approximately 40 feet wide by 70 feet deep, resulting in a lot area of approximately 2,800 square feet.

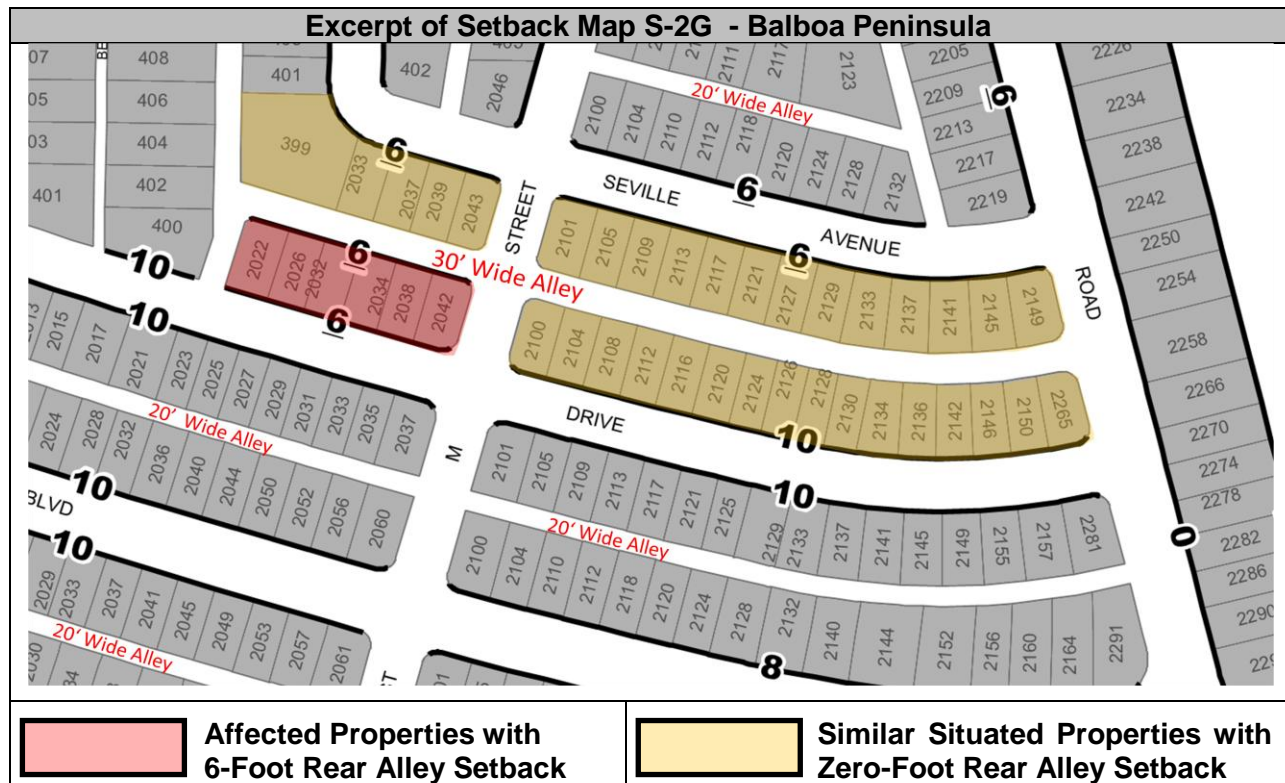


LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Single-Unit Dwellings
SURROUNDING	RS-D	R-1	Single-Unit Dwellings

### Background & Project Description

The standard rear setback for properties zoned R-1 abutting a minimum 20-foot-wide alley is 0 feet per the Zoning Code, unless a different distance is depicted on a setback map. In the case of the subject six properties, the setback map (Attachment No. PC 2: Setback Map S-2G) indicates a 6-foot-rear alley setback. This is unusual when compared to other lots in the vicinity of this block that abut 20- and 30-foot-wide alleys, which all have the standard 0-foot setback.

This discrepancy was brought to staff's attention by a property owner that intends to construct a new home at 2042 Miramar Drive. The proposed amendment would eliminate the 6-foot rear alley setback identified on the Setback Map S2-G, allowing the subject lots to maintain the standard 0-foot rear alley setback. The City Council initiated the amendment on October 22, 2013.



## **DISCUSSION**

### **Analysis**

#### *Purpose of Rear Setback*

The Zoning Code establishes different rear setbacks for lots abutting an alley, based on the width of the alley, to accommodate increased vehicular maneuverability through the alley ways:

<b>Table 1 – Typical Alley Setbacks</b>	
<b>Alley Width</b>	<b>Rear Setback</b>
15' or less	5' setback
15'11" to 19'11"	3'9" setback
20' or more	0' setback

Staff has been unable to determine exactly when or why the 6-foot setback was applied to these six lots; however, it appears to have been established in conjunction with the adoption of the 1950 Zoning Code. The setback map contained within the 1943 Zoning Code does not illustrate a required rear setback, but the 6-foot rear setback appears in the 1950 Zoning Code setback map (Attachment No. PC 3).

No other block in the vicinity that abuts a 20- or 30-foot wide alley is required to provide a rear setback. Since the subject lots abut a 30-foot wide alley, a 0-foot rear setback will not impact vehicular maneuverability and would be consistent with other lots in the vicinity.

#### *Existing Encroachments into 6-Foot Rear Setback*

One of the six lots maintains the minimum 6-foot-setback; all other lots are either non-conforming or were granted a discretionary approval to deviate from the setback. Table 2 illustrates the existing encroachments and the approvals that were granted for each of the lots within the block.

<b>Table 2 - Existing Encroachments Into 6-Foot Rear Alley Setback</b>			
<b>Address</b>	<b>Discretionary Approval</b>	<b>Date Granted</b>	<b>Allowed Setback</b>
2022 Miramar Dr	Modification Permit No. 2707	8/11/81	4 feet (2-foot encroachment)
2026 Miramar Dr	Modification Permit No. 2661	2/5/81	2 feet (4-foot encroachment)
2032 Miramar Dr	Modification Permit No. 350	6/22/71	0 feet (6-foot encroachment)
2034 Miramar Dr	Use Permit No. 610	4/21/60	2 feet (4-foot encroachment)
2038 Miramar Dr	None (existing nonconforming)	-	2 feet based on survey (4-foot encroachment)
2042 Miramar Dr	None (existing complies)	-	6 feet

### *Resulting Floor Area Changes*

The required 6-foot setback not only affects building placement, but also impacts buildable area and ultimately the maximum size of a home on the property. The maximum size of a home (gross floor area) that can be constructed on a lot is established by a factor of two times the buildable area of a lot. The buildable area is the lot area minus setbacks. A comparison of the existing and proposed buildable areas and resulting floor area limits of the typical 35-foot-wide x 70-foot-deep lots that are prevalent in the project area are illustrated in Table 3.

<b>Table 3 - Lot Comparisons</b>				
	<b>Existing Typical Subject Lot</b>	<b>Proposed Typical Subject Lot</b>	<b>Adjacent Typical Lot w/ 10' Front Setback</b>	<b>Adjacent Typical Lot w/ 6' Front Setback</b>
<b>Approximate Lot Size</b>	2,450 sf (35' x 70')	2,450 sf (35' x 70')	2,450 sf (35' x 70')	2,450 sf (35' x 70')
<b>Setbacks</b>				
<b>Front</b>	6'	6'	10'	6'
<b>Sides</b>	3'	3'	3'	3'
<b>Rear</b>	6'	0'	0'	0'
<b>Buildable Area</b>	1,682 sf	1,856 sf	1,740 sf	1,856 sf
<b>Maximum Gross Floor Area (2 x Buildable)</b>	3,364 sf	3,712 sf	3,480 sf	3,712 sf

As illustrated in Table 3, removing the 6-foot rear alley setback for the subject lots would result in a buildable area and allowable floor area that is consistent with other lots in the vicinity.

### Summary

Staff believes amending the setback map to eliminate the 6-foot-rear alley setback is appropriate to correct the inequity. As illustrated by the preceding analysis, no other block in the vicinity that abuts a 20- or 30-foot wide alley is required to provide a rear setback. Changing the rear setback to the standard 0-foot requirement would not result in significant change to the existing development pattern of the neighborhood since a majority of the existing homes in the block already encroach into the 6-foot rear setback area. Lastly, changing the setback would result in a buildable area and allowable floor area that is consistent with other lots in the vicinity.



### Alternatives

The Planning Commission has the option to recommend denial of the amendment or recommend a different rear alley setback for the subject six lots.

### Environmental Review

This item is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations). The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than 20 percent and which do not result in any changes in land use or density. In this case, the six lots affected by the amendment have an average slope of less than 20 percent; the amendment will not change the land use category or zoning district of the affected lots; and the maximum number of dwelling units per lot will not change.

### Public Notice

Notice of this proposed amendment was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:



Jaime Murillo, Senior Planner

Submitted by:



Brenda Wisneski, AICP, Deputy Director

### **ATTACHMENTS**

- PC 1 Draft Resolution Recommending Approval
- PC 2 Setback Map S-2G
- PC 3 1943 and 1950 Setback Maps

# **Attachment No. PC 1**

Draft Resolution Recommending  
Approval





**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL  
ADOPTION OF ZONING CODE AMENDMENT NO. CA2013-006  
TO CHANGE THE REAR ALLEY SETBACK FROM 6 FEET TO 0  
FEET FOR SIX PROPERTIES ON MIRAMAR DRIVE  
(PA2013-211)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. On October 22, 2013, the City Council initiated an amendment of the Zoning Code that would change the rear alley setback for six properties from 6 feet to 0 feet, consistent with the standard rear alley setback for other properties in the City when located adjacent to a 20-foot-wide alley. The six properties affected by this amendment are 2022, 2026, 2032, 2034, 2038, and 2042 Miramar Drive.
2. The Planning Commission conducted a public hearing on November 21, 2013, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

**SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

The code amendment is categorically exempt under Section 15305, of the California Environmental Quality Act (CEQA) Guidelines – Class 5 (Minor Alterations in Land Use Limitations) because the lots affected by the amendment have an average slope of less than 20 percent; the amendment will not change the land use category or zoning district of the affected lots; and the maximum number of dwelling units per lot will not change.

**SECTION 3. FINDINGS.**

1. The Zoning Code establishes different rear setbacks for lots abutting an alley, based on the width of the alley, to accommodate increased vehicular maneuverability through the alley ways. The standard rear setback for properties abutting a minimum 20-foot-wide alley is 0 feet. Aside from the subject block of six lots, no other block in the vicinity that abuts a 20- or 30-foot wide alley is required to provide a rear setback. Since the subject lots abut a 30-foot wide alley, a 0-foot rear setback will not impact in vehicular maneuverability and would be consistent with other lots in the vicinity.
2. Changing the rear setback to the standard 0-foot requirement would not result in significant change to the existing development pattern of the neighborhood since a majority of the existing homes in the block already encroach into the 6-foot rear setback area.

3. Changing the setback from rear setback from 6 feet to 0 feet would result in a buildable area and allowable floor area that is consistent with other lots in the vicinity.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby recommends approval of Code Amendment No. CA2013-006 changing the rear alley setback from 6 feet to 0 feet for the subject six properties on Setback Map S-2G as set forth in Exhibit "A."

**PASSED, APPROVED AND ADOPTED THIS 21st DAY OF NOVEMBER, 2013.**

AYES:

NOES:

ABSTAIN:

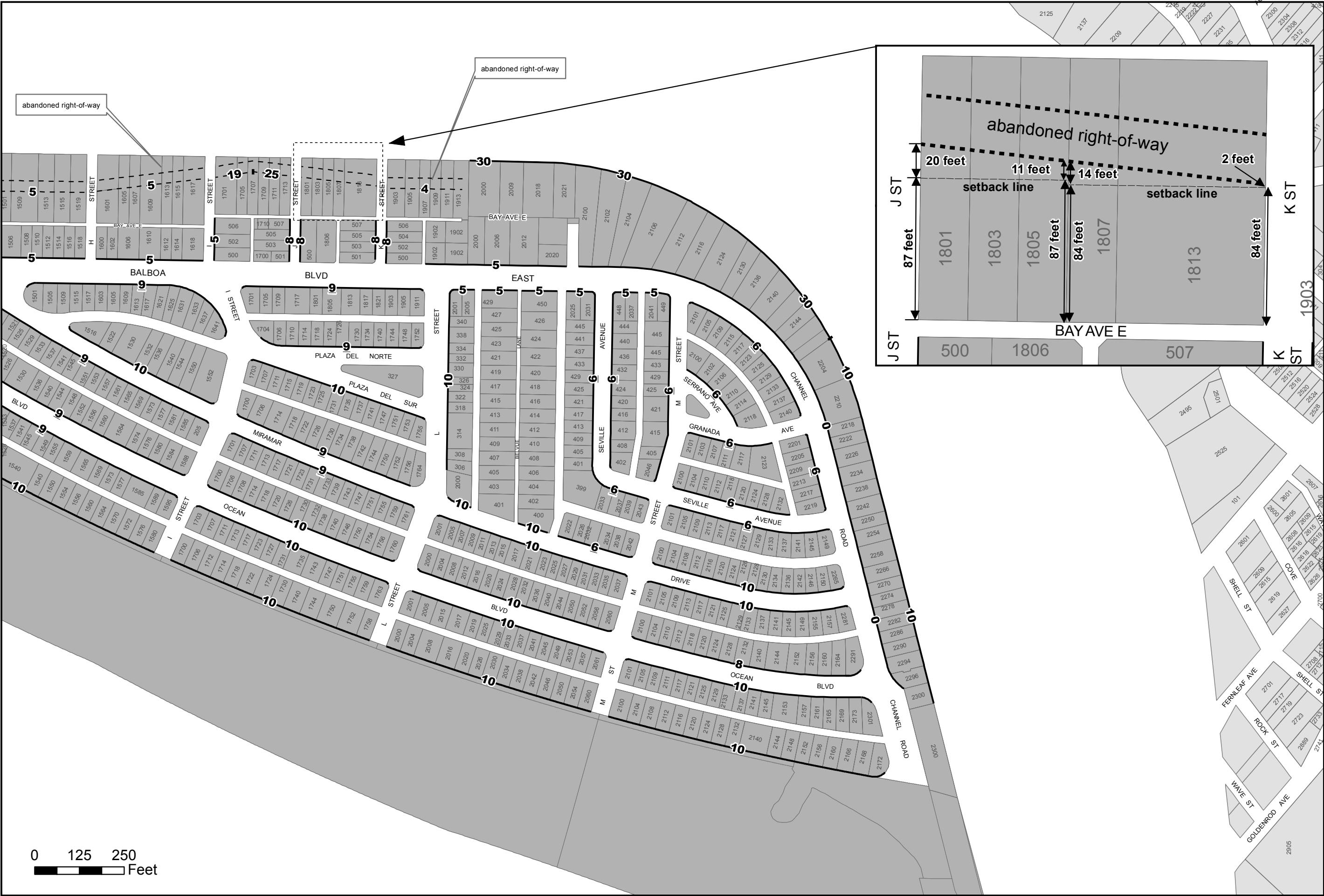
ABSENT:

BY: \_\_\_\_\_  
Bradley Hillgren, Chairman

BY: \_\_\_\_\_  
Kori Kramer, Secretary

# EXHIBIT A





Setback Map

S-2G - Balboa Peninsula

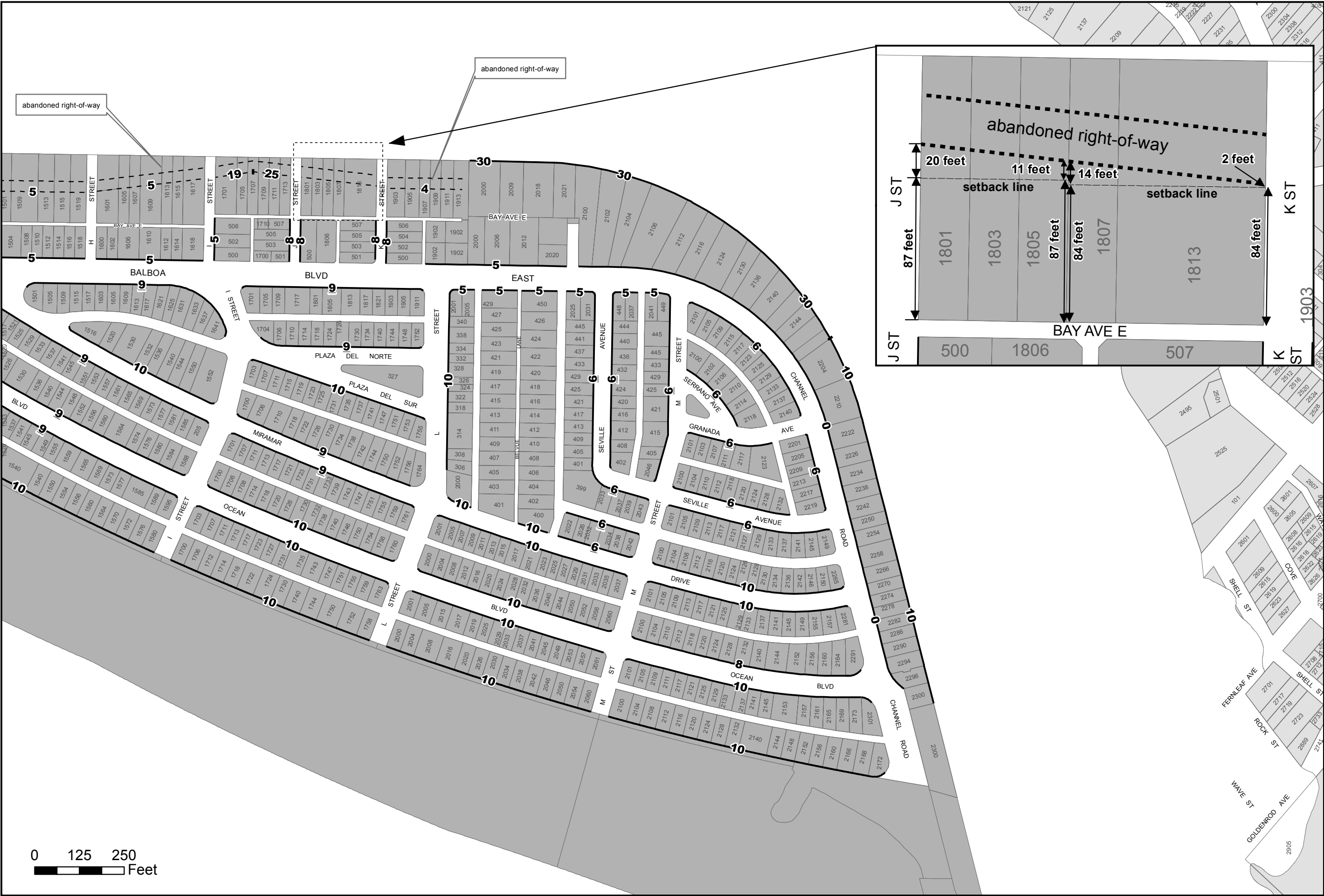


# **Attachment No. PC 2**

Setback Map S-2G









# **Attachment No. PC 3**

1944 and 1950 Setback Maps



